



FOR DEBATE AND GUIDANCE

SIXTH ITEM ON THE AGENDA

**Developments concerning the question
of the observance by the Government of
Myanmar of the Forced Labour
Convention, 1930 (No. 29)****I. Introduction**

1. Activity since the last report to the Governing Body ¹ has been targeted at operationalizing the conclusions of that debate (see Appendix I). Progress has been made in a number of areas as reported below. A mission was undertaken from 17 to 24 January 2010 by Mr Kari Tapiola, Executive Director, accompanied by Ms Karen Curtis, Deputy Director of the International Labour Standards Department with special responsibility for freedom of association, and Mr Drazen Petrovic, Principal Legal Officer in the Office of the Legal Adviser. A summary of the outcomes of the mission is reported below. During the mission an extension of the trial period of the Supplementary Understanding was signed, covering a further 12 months from 26 February 2010.

**II. Operation of the Supplementary
Understanding**

2. Since the last report, 65 new complaints were received. Of these, 35 were assessed as falling within the scope of the Supplementary Understanding and were submitted as cases to the Government Working Group for the Elimination of Forced Labour (Working Group) for investigation towards resolution; 23 cases required further assessment or information before eventual submission; and seven cases were considered not to be within the ILO's forced labour mandate (see Appendix II).
3. Over the same period, 35 cases were closed with the case register recording various degrees of satisfaction with the resultant outcomes.
4. In the period between the Supplementary Understanding's inception in February 2007 and 9 March 2010, a total of 289 complaints have been received. From these, 198 were accepted as cases, of which 70 remain open either awaiting Government responses or being the subject of continuing communication, and 29 either require more information

¹ GB.306/6.

prior to submission or are currently under assessment. The Government continues to respond to complaints lodged in a timely manner.

5. The structure of complaints has changed somewhat in recent time. The vast majority of new complaints are specific to under-age recruitment with six complaints on what can be considered as traditional forced labour received since the last report. Whilst there are indications from some parts of the country that the actual incidence of forced labour imposed by civilian authorities has diminished to some extent, this on its own would not account for the reduction in complaints. The use of forced labour, particularly by the military, remains an issue throughout the country. In the view of the Office, the imprisonment of persons associated with the use of the complaints mechanism may have had an effect on the reduced confidence to lodge forced labour complaints. No similar consequences have been reported by those who have filed complaints on under-age recruitment. The recent prison releases, the planned brochure campaign and continuing awareness-raising activity (see below), will hopefully increase confidence in the functioning of the complaints mechanism as set out in the Supplementary Understanding.
6. The Government underlined its concerns that the complaints mechanism should not be used for political ends and that the protection provisions of the Supplementary Understanding should not be used to justify activities that are contrary to the law. The Liaison Officer continued to insist that each complaint would be examined strictly on the basis of the facts reported.

III. Awareness raising

7. Since the last report, the Assistant to the Liaison Officer made two presentations to UNICEF-led recruitment officer training programmes and one presentation to middle-level government officials on the obligations under international labour standards as part of a five-day UNITAR training seminar. A two-day seminar was held for 54 field staff from UN organizations and international NGOs on the law relating to forced labour, observation skills and information reporting processes. Presentations were also made to field staff of UNHCR and UNDP as part of their in-house staff development and planning processes. A further joint ILO–Ministry of Labour presentation has been made to a training course for deputy township judges.
8. Broad in-country publicity resulted from seven different articles that were published in various domestic newspapers with nationwide coverage. These covered such matters as the renewal of the Supplementary Understanding with reference made to the complaints mechanism; the Government's agreement to the publication of an easily understandable brochure; the Penal Code and Military Regulations in force on forced labour including under-age recruitment and how complaints can be lodged under the Supplementary Understanding; the non-harassment guarantees under the Supplementary Understanding; the imprisonment of military personnel for the recruitment of minors; and the recent publication of an ILO booklet on the rights of migrant domestic workers in Thailand.
9. During the meeting of the ILO mission with the Minister of Labour, U Aung Kyi, it was confirmed that the Government agrees to the publication of a brochure, in Myanmar language, explaining in simple terms the law pertaining to forced labour, including under-age recruitment, and the procedure for lodging a complaint. The Working Group has proposed that a comprehensive discussion with the Liaison Officer on the previously submitted draft text takes place after the current Governing Body session.

10. Proposals made for the next three joint awareness-raising seminars are as follows:

- in Northern Rhakine State in follow up to a number of reports of continuing use of forced labour in that area;
- community and local authority seminars along the proposed path of the Myanmar–China pipeline in accordance with the November 2009 Governing Body conclusions;
- in Bago Division, which is an area with a high incidence of reported complaints.

IV. Under-age recruitment and child soldiers

11. In addition to his work in respect of under-age recruitment complaints under the Supplementary Understanding, the Liaison Officer continued to play a role as part of the Country Task Force for Monitoring and Reporting (CTFMR) under Resolution 1612 of the Security Council. As reported above, at the invitation of both the armed services and the Ministry of Social Welfare, presentations were made at training courses for recruitment officers. The CTFMR met the Government Committee for the Prevention of the Recruitment of Minors to discuss further the substance of a proposed joint action plan against under-age recruitment. The ILO mission also met this high-level committee. The meeting was constructive and assisted in clarifying the role of the ILO, under both the Supplementary Understanding and as part of the CTFMR, as well as providing the opportunity to discuss practical matters associated with the application of the Supplementary Understanding. The Government Committee has been very active in training of military personnel and itself monitors the performance of recruiting centres in respect of recruitment of minors.

12. Two authorized inspection visits to recruitment centres were undertaken in conjunction with the CTFMR, while the Liaison Officer accepted an invitation to visit the Military Service Academy (officers training) and the Military Services Technological Institute (engineer officer training) establishments.

13. Since the last report, one officer has been dismissed from the military and sentenced to one year's imprisonment with hard labour in a civilian prison and two privates were sentenced to military imprisonment with hard labour for three months and one month respectively, having been convicted for breach of the military regulations on under-age recruitment. There were no notifications during the period under review of sentences being imposed under the Penal Code.

14. As of 9 March 2010, in all 154 complaints alleging under-age recruitment have been received resulting in 84 children being discharged to date.

V. Extension of the Supplementary Understanding trial period

15. In addition to constructive and open discussions in Naipyidaw with the Minister of Labour and the Government Committee for the Prevention of the Recruitment of Minors, as reported above, the ILO mission held an extensive meeting with the Working Group for the Elimination of Forced Labour. The operation of the Supplementary Understanding was reviewed after a discussion which reconfirmed the principles contained in it and addressed practical issues for the further advancement of the policy for the elimination of forced labour. The extension of the Supplementary Understanding trial period was agreed upon for a further 12 months from 26 February 2010 without change.

16. After a visit to Bagan, the mission travelled to Aungmye Township to discuss with local authorities, villagers and, in particular, the families of imprisoned complainants. In Yangon the mission met with the UN Country Team, the diplomatic corps and a group of the volunteer facilitators supporting the application of the complaints mechanism. Meetings were also held with the Myanmar Federation of Chambers of Commerce and Industry following which a proposal is under consideration to possibly produce a Myanmar language version of "Combating forced labour: A handbook for employers". The mission also met with the Workers' Co-ordination Committee established for the election of a Workers' delegate to the International Labour Conference.
17. The mission was extended full cooperation and courtesy by the Government. It was not, however, possible for it to visit certain persons who have been associated with the complaints procedures and are currently in prison.
18. The mission could note a certain number of steps forward. It is reasonable to expect that the increased publicity, continuing awareness-raising activities and the yet to be distributed brochure will increase public understanding of rights provided under the law. It is similarly expected that the continuing operation of the Supplementary Understanding, supported by the ongoing training of government personnel (civil and military) will increase understanding on the responsibilities that the law imposes on all.
19. The granting of the still awaited visa for the engagement of an additional international professional staff member would better ensure the ability to support Government efforts for the full elimination of forced labour in Myanmar.

VI. Freedom of association

20. The national Constitution adopted in 2008 contains an article providing for freedom of association and the right to organize. The Government of Myanmar has recently announced its intention to introduce a Trade Union Act into the new Parliament which will result from the national elections to be held this year. During the visit of the ILO mission, a meeting took place with senior civil servants from several ministries and the Supreme Court at which Ms Karen Curtis made an extensive presentation on Convention No. 87. An open discussion took place on the Government's principles and concepts of the proposed legislation, leading to a request from the Government for further exchanges and advice on the issue.

VII. Release of imprisoned persons

21. The report to the 306th Session of the Governing Body (November 2009) pointed out that 17 complainants or persons otherwise associated with the operation of the Supplementary Understanding had been imprisoned. Discussions on the circumstances and implication of the sentences of these persons took place during the ILO mission. The Government reviewed the situation and, following this, 13 of the persons were released. One of them had completed his sentence, 11 were released following a significant reduction of their sentences following an appeal to the district court and lawyer U Pho Phyu was released following the reduction of his sentence on judicial review.
22. The Liaison Officer undertook a follow-up assessment mission to Aungmye Township from 5 to 7 March 2010. He made site visits, met the released farmers and the families of those still in detention, and held consultations with groups of complainants on the current situation and the way forward in respect of their various cases.

23. The Court of Appeal decision concerning two of the remaining imprisoned complainant farmers is awaited and negotiations continue in respect of the release of one further farmer and the facilitator U Zaw Htay. No other persons mentioned in earlier Governing Body conclusions have been released.

VIII. Other forced labour-related activity

24. At the invitation of the Government, through the UN Resident Representative, the Liaison Officer and his assistant joined the UN Special Rapporteur on the situation of human rights in Myanmar on his mission to the Rhakine State. This provided useful opportunities to meet and discuss forced labour issues with local government officials, UN and international NGO field staff and community members in both Rhakine State and, in particular, Northern Rhakine State. The mission provided the opportunity for a visit to labour activist U Kyaw Min in Buthidaung prison. He is in good health, and the prison conditions have improved over the last six to eight months.
25. As part of the UN Country Team subgroup on human rights, the Liaison Officer has been able to meet the Government Human Rights Committee to discuss procedures and obligations under the Universal Periodic Review process (Myanmar hearing 2011). Training on the human rights-based approach to programming has started for UN staff and, by agreement with the Government, is planned for senior government officials in the near future.
26. Again, in conjunction with the appropriate UN Country Team grouping, the Liaison Officer and his assistant are supporting the Government in respect of the forced labour aspects of human trafficking and labour migration.

Geneva, 12 March 2010.

Submitted for debate and guidance.

Appendix I

Decision document

GB.306/6

Decision on the sixth item on the agenda: Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

Governing Body conclusions

The Governing Body:

- (a) *took note of the report of the Liaison Officer and listened with interest to the statement made by the Permanent Representative of the Government of the Union of Myanmar;*
- (b) *in the light of the information available, and considering the interventions made during the debate, it concluded as follows:*
 - *full compliance with the Forced Labour Convention, No. 29 (1930), implementation of the recommendations of the Commission of Inquiry and the complete elimination of the use of forced labour in Myanmar have not yet been achieved; all activity must be targeted to this end;*
 - *the Governing Body recalls its previous conclusions and those of the International Labour Conference and reconfirms their continuing validity; this concerns particularly accessible material in local languages for awareness raising and the need for an authoritative statement by the senior leadership against the continued use of forced labour and the need to respect freedom of association;*
 - *the Governing Body notes the Government's cooperation regarding the complaints submitted, as well as the joint Government/ILO awareness-raising activities; in continuing the arrangements under the Supplementary Understanding, the capacity of the ILO to deal with complaints throughout the country should be strengthened; cases of forced labour should be reported and followed up consistently so that the practices cease and the perpetrators are prosecuted and punished; particular attention should be paid to monitoring infrastructure projects such as oil and gas pipelines; the Governing Body calls for and encourages progress towards achieving greater compliance with the*

international obligations of Myanmar, including Convention No. 29, particularly where local practices do not respect the aim of abolishing forced labour;

- the Governing Body is deeply concerned about the continued imprisonment of a number of persons who have complained of being subjected to forced labour or who have been associated with such complaints; this is in total contradiction with the Government of Myanmar’s own commitments under the Supplementary Understanding and puts into question the good faith necessary for the implementation of the Supplementary Understanding; if this situation is not promptly remedied, it will undermine the advances made to date; the Office should continue to examine potential legal implications of the failure to comply with Convention No. 29;*
- the Governing Body calls for the immediate release of all persons currently detained being complainants, facilitators and others associated with the Supplementary Understanding complaints mechanism, as well as for the unconditional release of all imprisoned political and labour activists;*
- the Governing Body repeats its previous call for the Government of Myanmar to facilitate, as provided for in article 8 of the Supplementary Understanding, the adjustments to the staff capacity of the Office of the Liaison Officer so that an increased workload could be met; this includes the presence of an additional international recruited professional appointed by the ILO.*

Appendix II

Register of cases (10 March 2010)

Case	Date received	Accepted	Intervention date	Status	Comments
001	28 Feb. 07	Yes	9 Mar. 07	Closed	Prosecution – 2 x imprisonment, 1x acquitted, land use remains in dispute [case 129].
002	28 Feb. 07	Yes	29 May 07	Closed	Child released, disciplinary action – formal reprimand.
003	5 Mar. 07	No		Closed	Not related to mandate – worker welfare issue.
004	13 Mar. 07	Yes	20 Mar. 07	Closed	Not forced recruitment – under age – discharged to parents.
005	29 Mar. 07	No		Closed	Not related to mandate – land issue.
006	6 Apr. 07	No		Closed	Not related to mandate – pension issue.
007	6 Apr. 07	No		Closed	Not related to mandate – pension issue.
008	6 Apr. 07	Yes	16 May 07	Closed	Compensation paid. Instigator dismissed.
009	9 Apr. 07	Yes	10 Apr. 07	Closed	Civil sanctions and reprimands.
010	9 Apr. 07	No		Closed	Insufficient basis to proceed at this stage.
011	19 Apr. 07	No		Closed	Insufficient information at this stage.
012	19 Apr. 07	No		Closed	Not related to mandate – employment dispute.
013	23 Apr. 07	No		Closed	Complaints unwilling to be identified.
014	23 Apr. 07	No		Closed	Complaints unwilling to be identified.
015	23 Apr. 07	Yes	16 May 07	Closed	Government denied portering and alleged victim to be an insurgent who was captured but subsequently escaped. Any connection between the facilitator's subsequent imprisonment and this case was denied.
016	25 Apr. 07	No		Closed	Not related to mandate – employment dispute.
017	26 Apr. 07	Yes	22 Aug. 07	Closed	Administrative instructions issued and educative activity undertaken.
018	9 May 07	Yes	22 May 07	Closed	Military officer disciplined – joint training seminar undertaken.
019	9 May 07	No		Closed	Not related to mandate – property dispute.
020	9 May 07	No		Closed	Insufficient basis to proceed.
021	9 May 07	Yes	10 May 07	Closed	Victim discharged to parents – disciplinary action as the result of military inquiry considered inadequate.
022	18 May 07	No		Closed	No evidence that the work constituted forced labour.
023	18 May 07	Yes	23 May 07	Closed	Field visit, education activity undertaken.
024	25 May 07	No		Closed	Insufficient information to proceed.
025	22 June 07	Yes	14 Aug. 07	Closed	Four officials dismissed, administrative instructions re-issued.

Case	Date received	Accepted	Intervention date	Status	Comments
026	26 June 07	Yes	13 Aug. 07	Closed	Local authorities instructional activity undertaken.
027	28 June 07	No		Closed	Not related to mandate – pension/gratuity matter.
028	7 June 07	No		Closed	Not related to mandate – pensions matter.
029	14 June 07	Yes	2 Aug. 07	Closed	Village chairman dismissed.
030	31 July 07	Yes	31 July 07	Closed	Child released – summary military trial – recruiting officer disciplined.
031	25 June 07	No		Closed	Not related to mandate – mass termination.
032	29 June 07	No		Closed	Not related to mandate – land confiscation.
033	6 July 07	Yes	9 Aug. 07	Closed	Child released, training seminar undertaken.
034	12 July 07	No		Closed	Not related to mandate – hours of work/overtime issue.
035	23 July 07	Yes	17 Aug. 07	Closed	Government instructions issued, retrospective remuneration paid, joint field trip for awareness education undertaken.
036	24 July 07	No		Closed	Insufficient basis to proceed.
037	29 June 07	No		Closed	Not related to mandate – migrant worker/payment of wages.
038	25 July 07	No		Closed	Not related to mandate – termination of employment issue.
039	12 June 07	No		Closed	Insufficient basis on which to proceed.
040	31 July 07	No		Closed	Insufficient information to proceed.
041	6 Aug. 07	No		Closed	Not related to mandate – termination grievance.
042	7 Aug. 07	Yes	8 Aug. 07	Closed	Not within Supplementary Understanding mandate – issue of freedom of association remains. Six labour activists remain imprisoned. Request for ILO visiting rights rejected. The mission of the UN Special Rapporteur on the situation of human rights in Myanmar to Northern Rhakine State visited U Kyaw Min in February 2010.
043	15 Aug. 07	Yes	16 Aug. 07	Closed	Child released, disciplinary action as the result of military inquiry considered inadequate.
044	16 Aug. 07	No		Closed	Not related to mandate – wages/fees payment issue.
045	20 Aug. 07	Yes	10 Sep. 07	Closed	New instructions issued.
046	24 Aug. 07	No		Closed	Not related to mandate – commercial dispute.
047	27 Aug. 07	Yes	12 Sep. 07	Closed	Joint mission undertaken, village chairman dismissed, military officer reprimanded, practice stopped.
048	7 Sep. 07	No		Closed	Insufficient evidence to proceed.
049	7 Sep. 07	Yes	19 Dec. 07	Closed	Compensation package. One perpetrator demoted. Recommendation on prison labour policy review made.

Case	Date received	Accepted	Intervention date	Status	Comments
050	14 Sep. 07	Yes	20 Sep. 07	Closed	Victim released – military inquiry resulted in disciplinary reprimand.
051	20 Sep. 07	Yes	25 Feb. 08	Closed	Practice of forced labour ceased, awareness raising undertaken.
052	20 Sep. 07	Yes	22 Feb. 08	Closed	Forced labour stopped, travel restriction removed.
053	10 Oct. 07	Yes	9 Nov. 07	Closed	Responsible officer disciplined, practice stopped, joint awareness-raising mission undertaken.
054	17 Oct. 07	Yes	18 Oct. 07	Open	Clause 9 breach – negotiations continue, Su Su Nway, Min Aung remain in prison. Request for ILO visiting rights rejected.
055	19 Oct. 07	Yes	31 Oct. 07	Closed	Child released – military inquiry resulted in disciplinary reprimand.
056	25 Oct. 07	Yes	9 Nov. 07	Closed	Child released – military inquiry resulted in disciplinary reprimand.
057	7 Nov. 07	No		Closed	Not related to mandate – cross-border trafficking and HIV and AIDS.
058	15 Nov. 07	Yes	23 Nov. 07	Closed	Child released – summary military trial – recruiting officer disciplined.
059	15 Nov. 07	Yes	30 Nov. 07	Closed	Official translation approved.
060	19 Nov. 07	No		Closed	Not related to mandate – wages claim issue.
061	17 Dec. 07	Yes	19 Dec. 07	Closed	Government agreed to issue discharge in absentia, however victim cannot be located.
062	20 Dec. 07	Yes	28 Dec. 07	Closed	Victim discharged to custody of parents. Responsible recruiting officer officially reprimanded.
063	7 Jan. 08	Yes	14 Jan. 08	Closed	Victim discharged, recruiting officer reprimanded, instruction on humane treatment of trainees issued. Ongoing procedure recommendation made.
064	7 Jan. 08	Yes	11 Feb. 08	Closed	Sentence remitted, victim discharged from military to care of family.
065	8 Jan. 08	No		Closed	Not related to mandate – corruption allegation.
066	14 Jan. 08	Yes	22 Feb. 08	Open	Forced labour ceased, 12 complainants and associated persons released from prison. One complainant remains in prison. Related land issues remain unresolved. Negotiation continues.
067	16 Jan. 08	No		Closed	Not within mandate of forced labour, land confiscation.
068	16 Jan. 08	Yes	25 Feb. 08	Closed	Official dismissed, education activity undertaken, ongoing situation to be monitored.
069	31 Jan. 08	Yes	25 Feb. 08	Closed	Closed in association with case 051 following assessment mission.
070	6 Feb. 08	Yes	12 Feb. 08	Closed	Victim discharged, recommendation on proof of age documentation procedure made.

Case	Date received	Accepted	Intervention date	Status	Comments
071	29 Jan. 08	No		Closed	Not related to mandate – compensation for damaged crop issue.
072	30 Jan. 08	Yes	11 Mar. 08	Closed	Awareness-raising activity undertaken.
073	20 Feb. 08	Yes	3 Mar. 08	Closed	Portering allegation denied, disciplinary action re: serious assault on complainant considered inadequate.
074	21 Feb. 08	No		Closed	Insufficient basis to proceed.
075	3 Mar. 08	Yes	11 Mar. 08	Closed	Victim discharged, responsible officer reprimanded, Government investigation to locate broker continues.
076	3 Mar. 08	Yes	10 Mar. 08	Closed	Child discharged – recruitment officer reprimanded.
077	5 Mar. 08	No		Closed	Not within Supplementary Understanding mandate – freedom of association issue subject to separate consideration.
078	5 Mar. 08	No		Closed	Not within Supplementary Understanding mandate – freedom of association issue subject to separate consideration.
079	14 Mar. 08	No		Closed	Not within Supplementary Understanding mandate – freedom of association issue subject to separate consideration.
080	14 Mar. 08	Yes	8 Apr. 08	Closed	Associate with case 068, ongoing situation to be monitored.
081	17 Mar. 08	No		Closed	Not related to mandate – labour market dispute.
082	17 Mar. 08	No		Closed	Complainants unwilling to be identified.
083	20 Mar. 08	Yes	8 Apr. 08	Closed	Victim discharged. Recruiting officer seriously reprimanded, disciplinary response considered inadequate.
084	26 Mar. 08	No		Closed	Being dealt with in context of case 015.
085	28 Mar. 08	No	2 Aug. 08	Closed	Being dealt with in context of case 066.
086	28 Mar. 08	Yes	7 Apr. 08	Closed	Victim discharged to care of parents. Responsible senior officer reprimanded. Disciplinary action considered inadequate.
087	11 Apr. 08	Yes	11 Apr. 08	Closed	Child discharged – recruitment officer reprimanded.
088	22 Apr. 08	Yes	16 June 08	Closed	Child discharged.
089	19 May 08	Yes	20 June 08	Closed	Victim discharged, desertion charge dropped, responsible officer reprimanded.
090	20 May 08	Yes	17 July 08	Closed	Victim discharged, responsible officer seriously reprimanded. No response in respect of other reported minors in same unit.
091	23 May 08	No		Closed	Complaint withdrawn.
092	27 May 08	No		Closed	Not related to mandate – labour dispute.
093	28 May 08	Yes	16 June 08	Closed	Victim discharged, responsible officer reprimanded.

Case	Date received	Accepted	Intervention date	Status	Comments
094	28 May 08	Yes	2 Sep. 08	Closed	Division-wide joint training seminar for civilian, judicial, police and army authorities undertaken.
095	11 June 08	No		Closed	Not related to mandate – land confiscation.
096	11 June 08	Yes	14 July 08	Closed	Victim discharged, two officers responsible disciplined. One with 28 days' salary deduction and one with 14 days' salary deduction and a serious reprimand.
097	14 June 08	Yes	20 June 08	Closed	Child discharged – recruitment officer reprimanded.
098	15 June 08	Yes	17 June 08	Open	Negotiation for reinstatement of facilitator's law practicing license continues.
099	18 June 08	Yes	24 June 08	Closed	Victim released from prison, discharged from military, desertion sentence remitted – first perpetrator dead, second perpetrator resigned with no disciplinary action applied. Victim seriously ill on release, subsequently deceased.
100	23 June 08	Yes	9 Oct. 08	Open	Government response received, full denial of forced labour, claiming sentry duty to be community work. Communication continues.
101	2 July 08	Yes	9 Oct. 08	Closed	Allegation denied, Ministry of Defence instruction on recruiting process issued.
102	11 July 08	No		Closed	Insufficient evidence to proceed.
103	16 July 08	Yes	18 July 08	Closed	Victim discharged to care of parents.
104	17 July 08	Yes	21 July 08	Closed	Victim located, allegedly now of age and wishing to remain in army. ILO independent verification request denied.
105	21 July 08	Yes	24 July 08	Closed	Child discharged – recruitment officer disciplined by the loss of 28 days' salary.
106	31 July 08	Yes	31 July 08	Closed	Community work related. Government guidance distributed through General Administration Department as to appropriate approach to be adopted.
107	28 July 08	Yes	4 Aug. 08	Closed	Victim discharged, perpetrator fined 28 days' salary.
108	29 July 08	Yes	28 Aug. 08	Closed	Autistic boy of disputed age recruited. Government advises that victim deserted in 2005. Person responsible for his delivery to recruitment centre has himself deserted. No action taken against any perpetrator. Current whereabouts and status of victim unknown.
109	11 Aug. 08	Yes	23 Oct. 08	Open	Joint mission undertaken, negotiated settlement re: forced labour and land confiscation reached, agreements not yet fully applied by local authorities, negotiations continue. Facilitator and lawyer imprisoned, alleged harassment of facilitator's family denied. Lawyer released on judicial review of sentence, March 2010.
110	13 Aug. 08	Yes	10 Oct. 08	Closed	Victim not located, prison labour policy review proposed.

Case	Date received	Accepted	Intervention date	Status	Comments
111	14 Aug. 08	Yes	21 Aug. 08	Closed	Victim initially not located. Government advised that victim rejected at recruitment centre. No action taken against identified broker or military personnel. Subsequently established that he was discharged on health grounds after 11 months of service.
112	19 Sep. 08	Yes	29 Sep. 08	Closed	Victim discharged, three military personnel seriously reprimanded.
113	24 Sep. 08	Yes	–	Closed	Parents decided not to pursue the case.
114	25 Sep. 08	Yes	29 Oct. 08	Closed	Victim located, is now of age, decided to remain in the army, ILO not granted private meeting for verification.
115	26 Sep. 08	Yes	29 Oct. 08	Closed	Victim discharged, two military personnel seriously reprimanded.
116	1 Oct. 08	No		Closed	Insufficient information to proceed.
117	1 Oct. 08	Yes	10 Nov. 08	Closed	Victim released, compensation paid, ongoing medical treatment provided, prison labour policy review proposed and agreed in principle, awaiting outcome.
118	1 Oct. 08	No		Closed	Not within Supplementary Understanding mandate – industrial dispute issue.
119	22 Oct. 08	Yes	22 Oct. 08	Closed	Awareness-raising activity undertaken, practice ceased.
120	30 Oct. 08	Yes	6Nov. 08	Closed	Victim discharged, non-commission officer seriously reprimanded with loss of 28 days' salary and allowances. Disciplinary action considered inadequate.
121	4 Nov. 08	Yes	10 Nov. 08	Closed	Victim discharged, senior officer responsible reprimanded.
122	10 Nov. 08	Yes	20 Feb. 09	Closed	ILO offer of support for the production of guidelines for agricultural policy application to avoid forced labour complaints stands.
123	14 Nov. 08	Yes	14 Nov. 08	Closed	Victim discharged, perpetrator seriously reprimanded with loss 14 days' salary, disciplinary action considered inadequate.
124	14 Nov. 08	No		Closed	Not within Supplementary Understanding mandate – land confiscation.
125	5 Dec. 08	Yes	15 Dec. 08	Closed	Victim discharged. Captain dismissed and sentenced to one year civilian imprisonment with hard labour. Two privates sentenced to three months and one month military imprisonment with hard labour. Warrant Officer and Sergeant both reduced one year pensionable service rights.
126	11 Dec. 08	Yes	11 Dec. 08	Closed	State-wide awareness raising held in Karen State and Northern Shan State, ongoing situation being monitored.
127	15 Dec. 08	Yes	22 Dec. 08	Closed	Victim discharged, perpetrator had retired, recommendation for criminal prosecution not accepted.

Case	Date received	Accepted	Intervention date	Status	Comments
128	14 Jan. 09	Yes	30 Jan. 09	Closed	Victim discharged, junior officer disciplined. Recommendation on policy procedure concerning allocation of responsibility made.
129	30 Jan. 09	Yes	26 Oct. 09	Open	Related to case 01, ILO assessment mission undertaken. Two complainants imprisoned on damage to government property charges, negotiations continue.
130	4 Feb. 09	Yes		Closed	Settlement incorporated within case 66 solutions.
131	13 Feb. 09	Yes	9 Mar. 09	Open	Victim dismissed/ discharged. Communication re: perpetrator continues (related to cases 132 and 133).
132	13 Feb. 09	Yes	22 May 09	Open	Discussion on process for potential discharge continues.
133	13 Feb. 09	Yes	22 May 09	Open	Age on and circumstances of recruitment disputed. Communications continue.
134	16 Feb. 09	No		Closed	Insufficient information to proceed.
135	16 Feb. 09	Yes	9 Mar. 09	Open	Government agreed to victim being discharged – victim ran away from army between date of filing complaint and date that parents arrived at his unit to collect him. As yet not located – communication continues.
136	17 Feb. 09	No		Closed	Not related to mandate – alleged political harassment issue.
137	5 Mar. 09	Yes	13 July 09	Open	Two persons died whilst undertaking alleged forced labour. Government investigation determined it to be community work. Joint awareness-raising seminar in Bago proposed.
138	6 Mar. 09	Yes	10 Mar. 09	Closed	Victim released from prison, desertion sentence remitted, discharged from the military, perpetrator seriously reprimanded. Punishment considered insufficient.
139	9 Mar. 09	Yes	8 Apr. 09	Closed	Victim released from army, recommendation made re: issuance of instruction and discipline.
140	30 Mar. 09	Yes	8 Apr. 09	Closed	Victim discharged. Responsible Private disciplined with unspecified salary deduction. No action taken against identified broker who denies involvement.
141	30 Mar. 09	Yes	27 Apr. 09	Closed	Victim discharged, recruiting officer seriously reprimanded, penalty deemed inadequate.
142	31 Mar. 09	Yes	18 May 09	Closed	Use of forced labour denied. Summary of north-west command instruction against use of forced labour received. Full text awaited.
143	1 Apr. 09	No		Closed	Forced labour criteria met, victim does not wish to pursue the matter.
144	22 Apr. 09	Yes	27 Apr. 09	Closed	Victim discharged, recruiting officers (two) seriously reprimanded.

Case	Date received	Accepted	Intervention date	Status	Comments
145	22 Apr. 09	Yes	22 Apr. 09	Closed	Rhakine State/Northern Rhakine State awareness-raising session held in Sittway on 7 September 2009, ongoing situation being monitored (see case 225).
146	30 Apr. 09	Yes	30 Apr. 09	Closed	Victim discharged, recruiting officer seriously reprimanded.
147	8 Apr. 09	Yes	8 Apr. 09	Closed	Not within Supplementary Understanding mandate, four labour activists released. Issue of freedom of association remains.
148	15 May 09	Yes	25 May 09	Closed	Victim discharged, recruiting officer seriously reprimanded, disciplinary action considered inadequate.
149	15 May 09	Pending		Pending	Multiple complainants, reluctant to formalize complaint in fear of reprisal. ILO assessment mission in consideration (Kayin State).
150	15 May 09	Pending		Pending	Multiple complainants, reluctant to formalize complaint in fear of reprisal. ILO assessment mission in consideration (East Bago).
151	15 May 09	Pending		Pending	Multiple complainants, reluctant to formalize complaint in fear of reprisal. ILO assessment mission in consideration (Tanintharyi Division).
152	15 May 09	No		Closed	Insufficient information to proceed on alleged forced labour – complaint centred on alleged corruption and land confiscation.
153	21 May 09	Yes	25 May 09	Closed	Victim discharged. No reported action has been taken against two identified military personnel allegedly responsible for the recruitment of 13-year-old boy and one named military officer accused of harassing the victim's family.
154	21 May 09	No		Closed	Not related to mandate – labour dispute issue.
155	22 May 09	Yes	25 May 09	Closed	Victim discharged. Facts on recruitment remain in dispute. No disciplinary action taken against military personnel involved. Recommendation on discharge location policy made.
156	29 May 09	Yes	26 June 09	Closed	Victim released from prison, desertion sentence remitted, discharged from the military.
157	3 June 09	Yes	31 Aug. 09	Closed	Victim discharged. Responsible officer seriously reprimanded.
158	10 June 09	Yes	9 July 09	Closed	Victim discharged. Responsible officer seriously reprimanded with loss of seven days' pay. Recommendation for action re: second perpetrator made. Two further possible victims alleged to be volunteer adults, verification not possible.
159	11 June 09	Yes		Closed	Victim discharged whilst ILO assessment under way.
160	17 June 09	Yes	6 Oct. 09	Closed	Magway Division awareness-raising seminar undertaken.

Case	Date received	Accepted	Intervention date	Status	Comments
161	17 June 09	Yes	10 July 09	Closed	Victim discharged, ILO recommendation re: disciplinary action against perpetrators not accepted.
162	24 June 09	Yes	20 Oct. 09	Open	Awaiting Government response.
163	25 June 09	No		Closed	Forced labour criteria met, victim does not wish to pursue the matter.
164	29 June 09	Yes	16 July 09	Closed	Victim released from prison, discharged from army. Facts on recruitment circumstances disputed. No disciplinary action taken.
165	30 June 09	Yes	9 July 09	Open	Victim located, not under-age recruitment. Alleged abduction for forced labour – 100 more other children allegedly involved. Full investigation by police anti-trafficking unit proposed, awaiting Government response.
166	13 July 09	Yes	5 Aug. 09	Closed	Victim (14 years old) released from army. Facts of recruitment disputed. Not reported if action taken against medical doctor and military officer as alleged perpetrators.
167	15 July 09	Yes	30 July 09	Closed	Victim discharged, one perpetrator seriously reprimanded with loss of 14 days' salary, second perpetrator identified by victim. National registration card returned to father of victim.
168	15 July 09	Yes	5 Aug. 09	Open	Victim discharged, perpetrator seriously reprimanded. Communication concerning other follow-up recommendations continues.
169	17 July 09	Yes	3 Aug. 09	Open	Qualified agreement for discharge received. Communication on process continues.
170	17 July 09	No		Closed	Not related to mandate – land confiscation issue.
171	6 Aug. 09	Yes	31 Aug. 09	Closed	Victim discharged from the army, recruiting officer was seriously reprovved. ILO considered disciplinary response inadequate.
172	6 Aug. 09	Yes	8 Sep. 09	Open	Victim discharged. Warrant Officer seriously reprimanded. Communication continues concerning second perpetrator and other follow-up recommendations.
173	10 Aug. 09	Yes	8 Sep. 09	Closed	Victim discharged suffering from malaria, second Lieutenant reprovved.
174	10 Aug. 09	Yes	8 Sep. 09	Closed	Victim released from prison, desertion charge remitted, discharged from the army.
175	11 Aug. 09	No	11 Aug. 09	Closed	Note related to mandate – land issue.
176	13 Aug. 09	Yes	8 Sep. 09	Closed	Victim discharged. Responsible officer seriously reprovved with loss of 28 days' salary.
177	13 Aug. 09	Yes	11 Sep. 09	Open	Awaiting Government response.
178	17 Aug. 09	Yes	20 Oct. 09	Closed	Victim discharged. Recruiting Sergeant seriously reprovved. ILO considers punishment inadequate under the circumstances of case.

Case	Date received	Accepted	Intervention date	Status	Comments
179	21 Aug. 09	Yes	15 Sep. 09	Closed	Victim discharged. Responsible Sergeant seriously reprimanded.
180	24 Aug. 09	Yes		Closed	Victim discharged during assessment process.
181	24 Aug. 09	Yes		Closed	Victim discharged during assessment process.
182	24 Aug. 09	Yes	18 Oct. 09	Open	Agreement for a discharge notified, delay in achieving physical release continues.
183	25 Aug. 09	Yes	15 Sep. 09	Closed	Victim discharged. Responsible Sergeant seriously reprimanded.
184	25 Aug. 09	Yes	20 Oct. 09	Closed	Victim discharged. Recruiting Sergeant clerk seriously reprimanded.
185	25 Aug. 09	Yes	7 Oct. 09	Closed	Victim discharged. Recruiting Sergeant received seven days' salary deduction penalty.
186	25 Aug. 09	Yes	20 Oct. 09	Open	Age at recruitment disputed, victim dismissed from military and sentenced to two years' hard labour for desertion. Communications on proof of age and circumstances of forced recruitment continue.
187	2 Sep. 09	Yes	22 Sep. 09	Open	Government advised victim cannot be located owing to insufficient information. Further inquiries being made.
188	2 Sep. 09	Yes	27 Oct. 09	Open	Awaiting Government response.
189	2 Sep. 09	Yes	27 Oct. 09	Open	Victim discharged. Corporal reprovved on summary trial, communication on disciplinary response continues.
190	3 Sep. 09	Yes	10 Sep. 09	Closed	Victim discharged from the army. No charges for alleged desertion. One perpetrator deserted and one retired. Recommendations made as regards training of recruiting staff and police.
191	3 Sep. 09	Yes	14 Sep. 09	Closed	Victim discharged, recruitment took place in 1997. No punishment against perpetrator. Recommendations made concerning arrest warrant and desertion charge procedures in case of under-age recruits.
192	4 Sep. 09	No		Closed	Not related to mandate – civil dispute.
193	4 Sep. 09	Yes	15 Sep. 09	Closed	Victim released. Absence of any disciplinary response considered inappropriate, recommendation made.
194	8 Sep. 09	Yes	27 Oct. 09	Closed	Victim discharged, Sergeant punished with loss of 14 days' salary, further information sought on investigations' findings.
195	8 Sep. 09	Yes	27 Oct. 09	Closed	Victim discharged, recruiting Corporal seriously reprimanded. Recommendation on release location made.
196	8 Sep. 09	Yes		Open	Victim discharged and released from convict labour camp during assessment process, understood to be seriously ill. Further information being sought.

Case	Date received	Accepted	Intervention date	Status	Comments
197	10 Sep. 09	Yes	28 Oct. 09	Open	Victim released from prison and discharges from army during assessment. Awaiting response from Government re: associated forced labour complaint.
198	16 Sep. 09	Yes	28 Oct. 09	Open	Awaiting Government response.
199	16 Sep. 09	Pending		Pending	Awaiting further information.
200	22 Sep. 09	Yes	26 Oct. 09	Closed	Victim discharged, perpetrator seriously reprimanded. Recommendation on police training made.
201	24 Sep. 09	Yes	26 Oct. 09	Open	Victim court-martialled and sentenced to seven years' imprisonment for desertion whilst case still with Government for investigation. Request made for his release and for full investigation on under-age recruitment allegation to be completed.
202	24 Sep. 09	No		Closed	Insufficient evidence to proceed.
203	24 Sep. 09	No		Closed	Insufficient evidence to proceed.
204	28 Sep. 09	Yes		Closed	Evidence indicates forced labour, however, complainants not prepared to proceed owing to fear of reprisal.
205	28 Sep. 09	Yes		Closed	Evidence indicates forced labour, however, complainants not prepared to proceed owing to fear of reprisal.
206	28 Sep. 09	Yes		Closed	Complainants unwilling to pursue.
207	1 Oct. 09	Yes	28 Oct. 09	Open	Advice received on agreement for discharge, delays in process for physical discharge continue.
208	2 Oct. 09	Yes	28 Oct. 09	Open	Awaiting Government response.
209	2 Oct. 09	Yes	28 Oct. 09	Open	Victim discharged, further communications taking place covering three other alleged under-age recruits and policy for entry to the military academy.
210	2 Oct. 09	Pending		Pending	Assessment in process.
211	5 Oct. 09	Yes	6 Oct. 09	Closed	Victim discharged, perpetrator deceased.
212	6 Oct. 09	Yes	9 Nov. 09	Open	Government disputes both age on recruitment and the facts of the case. Further inquiries being undertaken.
213	6 Oct. 09	Yes	2 Nov. 09	Closed	Victim discharged. Corporal reprovved after summary trial.
214	12 Oct. 09	Yes	13 Oct. 09	Closed	Victim discharged. Responsible Sergeant reprovved. Recommendation on process made.
215	13 Oct. 09	Yes	9 Nov. 09	Open	Discharge agreed, arrangement for physical discharge being made.
216	15 Oct. 09	Pending		Pending	Assessment in process.
217	16 Oct. 09	Yes	26 Oct. 09	Open	Awaiting Government response.

Case	Date received	Accepted	Intervention date	Status	Comments
218	16 Oct. 09	Yes	4 Nov. 09	Open	Government alleged victim rejected on health grounds at recruitment centre. Victim cannot, as yet, be located. Inquiries continue.
219	19 Oct. 09	Yes	27 Oct. 09	Closed	Victim discharged, Corporal seriously reprimanded. No action taken on Officer and Sergeant who ignored mother's advice that victim is under age.
220	20 Oct. 09	Yes	9 Nov. 09	Open	Awaiting Government response.
221	20 Oct. 09	Pending		Pending	Assessment in process.
222	23 Oct. 09	Yes	6 Jan. 10	Open	Victim discharged, awaiting official Government notification.
223	23 Oct. 09	Yes	23 Oct. 09	Open	Awaiting Government response.
224	29 Oct. 09	Yes	3 Nov. 09	Open	Awaiting Government response.
225	2 Nov. 09	Yes	2 Nov. 09	Open	Awaiting Government response on proposed specific Northern Rhakine State awareness raising following continuing reports of use of forced labour.
226	2 Nov. 09	Yes	2 Nov. 09	Open	Awaiting Government response.
227	3 Nov. 09	Yes	22 Dec. 09	Open	Awaiting Government response.
228	11 Nov. 09	Yes	24 Dec. 09	Open	Awaiting Government response.
229	12 Nov. 09	Yes	24 Dec. 09	Open	Victim discharged. Awaiting official notification from the Government.
230	16 Nov. 09	Yes	23 Dec. 09	Closed	Victim discharged, regiment Captain reprovved.
231	16 Nov. 09	Yes	23 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
232	17 Nov. 09	Yes	23 Dec. 09	Open	Awaiting Government response.
233	17 Nov. 09	Yes	23 Dec. 09	Open	Awaiting Government response.
234	24 Nov. 09	Yes	23 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
235	30 Nov. 09	No		Closed	Not related to mandate – employment dismissal.
236	1 Dec. 09	Yes	23 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
237	30 Nov. 09	Yes	22 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
238	1 Dec. 09	Yes	22 Dec. 09	Open	Awaiting Government response.
239	10 Dec. 09	Yes	23 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
240	15 Dec. 09	Yes	22 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
241	16 Dec. 09	Yes	23 Dec. 09	Open	Awaiting Government response.
242	21 Dec. 09	Yes	22 Dec. 09	Open	Government disputes age on recruitment, negotiation continues.
243	23 Dec. 09	Yes	24 Dec. 09	Open	Awaiting Government response.

Case	Date received	Accepted	Intervention date	Status	Comments
244	5 Jan. 10	Yes	7 Jan. 10	Open	Awaiting Government response.
245	5 Jan. 10	Yes	8 Jan. 10	Open	Awaiting Government response.
246	6 Jan. 10	Yes	8 Jan. 10	Open	Awaiting Government response.
247	8 Jan. 10	Yes	12 Jan. 10	Open	Government rejected complaint, does not accept proof of age documentation submitted, communication continues.
248	8 Jan. 10	Pending		Pending	Further information being obtained.
249	12 Jan. 10	Pending		Pending	Further information being obtained.
250	12 Jan. 10	Yes	26 Feb. 10	Open	Awaiting Government response.
251	14 Jan. 10	Yes	12 Feb. 10	Open	Awaiting Government response.
252	21 Jan. 10	Pending		Pending	Further information being obtained for assessment purposes.
253	21 Jan. 10	Pending		Pending	Further information being obtained for assessment purposes.
254	25 Jan. 10	Yes		Closed	Victim discharged whilst ILO assessment under way.
255	26 Jan. 10	Yes		Closed	Victim discharged whilst ILO assessment under way.
256	27 Jan. 10	Yes	25 Feb. 10	Open	Awaiting Government response.
257	27 Jan. 10	Yes	12 Feb. 10	Open	Awaiting Government response.
258	27 Jan. 10	Yes	25 Feb. 10	Open	Victim discharged, communication on punishment continues.
259	1 Feb. 10	Yes	2 Mar. 10	Open	Awaiting Government response.
260	2 Feb. 10	Yes	1 Mar. 10	Open	Awaiting Government response.
261	2 Feb. 10	Pending		Pending	Assessment in process.
262	2 Feb. 10	No		Closed	Not related to mandate – commercial dispute and alleged corruption.
263	5 Feb. 10	No		Closed	Not related to mandate – migrant worker, occupational safety and health compensation.
264	5 Feb. 10	No		Closed	No causal link between alleged harassment and ILO activity.
265	8 Feb. 10	Yes	4 Mar. 10	Open	Awaiting Government response.
266	8 Feb. 10	No		Closed	Not related to mandate – employment dismissal.
267	9 Feb. 10	Yes	26 Feb. 10	Open	Awaiting Government response.
268	9 Feb. 10	Yes	9 Mar. 10	Open	Awaiting Government response.
269	9 Feb. 10	Pending		Pending	Further information being sought for assessment process.
270	9 Feb. 10	Pending		Pending	Further information being sought for assessment process.
271	10 Feb. 10	Yes	5 Mar. 10	Open	Awaiting Government response.
272	10 Feb. 10	Yes	5 Mar. 10	Open	Awaiting Government response.
273	15 Feb. 10	Pending		Pending	Assessment in process.

Case	Date received	Accepted	Intervention date	Status	Comments
274	15 Feb. 10	Pending		Pending	Assessment in process.
275	16 Feb. 10	Yes	5 Mar. 10	Open	Awaiting Government response.
276	17 Feb. 10	Pending		Pending	Further information being sought for assessment process.
277	18 Feb. 10	Pending		Pending	Assessment in process.
278	19 Feb. 10	Pending		Pending	Assessment in process.
279	19 Feb. 10	Pending		Pending	Assessment in process.
280	19 Feb. 10	No		Closed	Not related to mandate – land eviction.
281	22 Mar. 10	Pending		Pending	Assessment in process.
282	25 Feb. 10	Pending		Pending	Assessment in process.
283	25 Feb. 10	Pending		Pending	Assessment in process.
284	26 Feb. 10	Pending		Pending	Assessment in process.
285	26 Feb. 10	No		Closed	No causal link between alleged harassment and ILO activity.
286	3 Mar. 10	Pending		Pending	Assessment in process.
287	3 Mar. 10	Pending		Pending	Assessment in process.
288	3 Mar. 10	Pending		Pending	Assessment in process.
289	5 Mar. 10	Pending		Pending	Assessment in process.